

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KENNETH R. HEDDLESTEN,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-11-430-M
)	
JUSTIN JONES, DIRECTOR,)	
)	
Respondent.)	

ORDER

On August 31, 2012, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that petitioner's motion to dismiss be granted. The parties were advised of their right to object to the Report and Recommendation by September 20, 2012. A review of the file reveals no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 39] issued by the Magistrate Judge on August 31, 2012;
- (2) GRANTS petitioner's Motion to Dismiss without Prejudice Petitioner's Action on the Writ of Habeas Corpus [docket no. 37], and
- (3) DISMISSES this action without prejudice.

IT IS SO ORDERED this 25th day of September, 2012.



VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE